UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/623,747	HEPWORTH ET AL.
	Examiner	Art Unit	
	Lisa M. Caputo	2876	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _29 November 2004_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-63_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-63_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment

1.   Receipt is acknowledged of the amendment filed 29 November 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

3.   Claims 1, 8-13, 18, 20-22, 29-34, 39, 41-43, 50-55, 60, and 62-63 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Reber et al. (U.S. Patent No.

6,032,195, from hereinafter "Reber") in view of Anderson et al. (U.S. Patent No.

4,319,336, from hereinafter "Anderson").

Regarding claims 1, 18, 20-22, 39, 41-43, 60, and 62-63 Reber teaches a

method, system, and computer readable medium that receives object identifier data

including information and formatting characters (which are inherent) similar to
conventional bar code protocol (optical code 14) from an object identifier reader (data
reader 30), identifies the information in the object identifier data (the data
communication circuit 44, in communication with the optical code 14, directs the optical
interface 32 to communicate a message based upon the decoded data stored in the
memory 36), identifies at least one application to receive the information, and sends
information to at least one application (the processor 34 provides a personal agent
enabler 46 to direct an external device, such as network apparatus 50, to retrieve and
execute a destination specific software agent) (see Figures 1-2, col 2 line 5 to col 7 line
58). Further, it is submitted the Reber does indeed teach that at least some of the
information is not an address on an electronic network when it is taught that in addition
to reading and decoding optical codes, the data reader 30 can be programmed to
provide an array of alternative features. The processor 34 can be programmed by
receiving one or more messages via either the input/output interface 52 or the optical
interface 32. The messages contain coded steps in a programming language. The
messages can be transmitted either by the network access apparatus 50 via the
input/output interface 54 or by a like data reader. The coded steps can be stored in a
program memory for the processor 34 (see col 6, lines 35-45).

Regarding claims 1, 18, 20-22, 39, 41-43, 60, and 62-63, although Reber does
indeed teach that information is sent, and therefore must contain formatting characters,
Reber does not specifically teach the formatting characters and that the data is
formatted according to one of a plurality of data formats.

Anderson teaches a transaction communication system with improved key function. Anderson discloses that communication of messages from the host to the terminal as well as storage of the messages in the terminal is greatly facilitated by a segmentation technique in which segments comprising commonly occurring portions of messages are stored in the terminal prior to execution of the various requested transactions. Each segment which typically comprises a plurality of displayable characters and format characters indicating the physical location of the displayable characters is stored in a segment table within the terminal. A typical display message includes displayable characters representing a unique or customized part of the message together with format characters defining the desired physical location of the displayable characters and an identification of one or more segments to be incorporated into the message. During display of a message stored at the terminal or sent to the terminal from the host, the displayable characters are displayed using a dot matrix or other appropriate character generation technique in conjunction with conventional multiline display apparatus. Each time a segment identifier is encountered within the message, character generation shifts to a segment table from which the various characters of the segment are converted into displayable characters using the format characters. Each message may also include one or more indicators of consumer entered data which cause the character generation process to shift to a table where consumer entered data is stored. In this way consumer entered data can be made a part of the display messages such as where verification of the consumer entered data is requested (see col 4 line 67 to col 5 line 30).

As noted in connection with FIG. 15 the text stream portion of a display message

may include displayable characters, display format control characters, segmentation

control characters and CDES (consumer data entry) control characters. These elements

can appear in any order in the text stream. The displayable characters are EBCDIC

code points equal to or greater than X'40'. Undefined control characters are EBCDIC

code points less than X'40' that are not assigned as CDES control characters, resident

segment control characters or format control characters. When encountered in a display

message definition, undefined control characters are displayed as a solid box the size of

the dot matrix (see Figure 15, col 38 line 58 to col 39 line 2). Hence, Anderson teaches

that formatting characters are used for data that is transmitted and that the information

is formatted according to a plurality of data formats.

In view of the teaching of Anderson, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to employ formatting

characters that format the data because in addition to the importance of the actual

information, the formatting characters are important because they dictate how the

information will be received, and if the formatting is incorrect the data may never reach

its proper destination which is unfavorable for both the user and system.

Further, regarding claims 22, 39, and 41-42, Reber teaches that the optical

reader includes an optical interface 32, a processor 34, and a memory 36. Reber also

teaches a computing device (network access apparatus 50; see col 4, lines 31-41) that

comprises a communication interface in electronic communication with the object

identifier (data reader 30), a processor, a memory with at least one application stored

within it, and in electronic communication with the processor, and a software module

stored in the memory which is able to implement the method outlined above (software

agent). Hence, two interfaces are used as recited in claims 20, 41, and 62 of the instant

application (optical interface 32 and data enabler 46). In addition, Reber teaches that

the object identifier is tested until the application intended to receive the information is

found as recited in claims 18, 39, and 60 of the instant application. Further, Reber

teaches that the identifier information can be sent to a plurality of applications as recited

in claims 21, 42, and 63 of the instant application (see Figures 1-2, col 2 line 5 to col 7

line 58).

Regarding claims 8-13, 29-34, and 50-55, Reber teaches a network navigation

device 12 having an optical code 14 and human readable information 16 which is used

to identify a destination 20 and a task associated with the destination 20 (see col 2,

lines 20-57). Hence, Reber teaches that the object identifier information is generated

from an object identifier, and it comprises receiving supplemental information in the form

of human readable information which provides additional information on carrying out

instructions, determining a characteristic of the information, and formatting the

information.

4.   Claims 2-7, 14-17, 19, 23-28, 35-38, 40, 44-49, 56-59, and 61 are rejected under

35 U.S.C. 103(a) as being unpatentable over Reber as modified by Anderson and

further in view of Shupps et al. (U.S. Patent Application Publication 2003/0088643, from

hereinafter "Shupps"). The teachings of Reber as modified by Anderson are discussed

above.

Regarding claims 2, 19, 23, 40, 44, and 61 although Reber as modified by Anderson does indeed teach that the object identifier data is matched with a pattern that includes further instructions when it is taught that the encoded data is decoded and routed to a correct software agent (see col 4), Reber as modified by Anderson fails to teach that the pattern is associated with one or more instructions for deleting formatting characters from the object identifier data, and carrying out those instructions.

Shupps teaches a method and computer system for isolating and interrelating components of an application. Shupps discloses that regular expressions can be programmatic components that enable the complex manipulation, searching, and matching of textual components of a code. The extensive pattern-matching notation of regular expressions allows an application to quickly parse large amounts of text to find specific character patterns; to extract, edit, replace, or delete text substrings; or to add the extracted strings to a collection in memory (see paragraph 47). Hence, Shupps teaches that it is useful to have instructions for deleting certain characters in a code.

In view of the teaching of Shupps, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the pattern be associated with more instructions for deleting the formatting characters because these characters serve the purpose of being an identification means, and once the code is identified these characters may be discarded in order for the system to continue to run efficiently with only the necessary code data.

Regarding claims 3-7, 24-28, and 45-49, Reber teaches that the pattern and instructions for the execution of the message to the software agent are predefined and

that the method is implemented by a first instance of a software module, and the pattern

and instructions are shared between and first and second instance of the software

module. In addition, Reber teaches that the instructions are read from a database, a

file, or downloaded over a network (see Figures 1-2, col 4, line 60 to col 5 line 12).

Regarding claims 14-17, 35-38, and 56-59, Reber as modified by Anderson fails

to teach that the object identifier data comprises unidentifiable data (that is either sent

back or discarded) and that the user is alerted about.

Shupps discloses that regular expressions can be programmatic components

that enable the complex manipulation, searching, and matching of textual components

of a code. The extensive pattern-matching notation of regular expressions allows an

application to quickly parse large amounts of text to find specific character patterns; to

extract, edit, replace, or delete text substrings; or to add the extracted strings to a

collection in memory (see paragraph 47). Hence, Shupps teaches that identifier data in

a code can be unidentifiable, and could be parsed or added to within the new code.

In view of the teaching of Shupps, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to employ a code with unidentifiable

data that is either sent back or discarded (and to alert a user that unidentifiable data has

been discarded) because this allows for a check to ensure that the data stays dynamic

so that there is no foul play with the code and it allows the user is to be alerted to

possible fraudulent activity.

Response to Arguments

5.   Applicant's arguments with respect to claims 1-63 have been considered but are moot in view of the new ground(s) of rejection.

6.   In response to applicant's arguments that the best prior art of record of Reber does not teach the newly added limitation that some of the information is not an address on an electronic network, examiner respectfully disagrees and submits that Reber does indeed teach that other information is transmitted as can be seen that the data reader 30 can be programmed to provide an array of alternative features. The processor 34 can be programmed by receiving one or more messages via either the input/output interface 52 or the optical interface 32. The messages contain coded steps in a programming language. The messages can be transmitted either by the network access apparatus 50 via the input/output interface 54 or by a like data reader. The coded steps can be stored in a program memory for the processor 34 (see col 6, lines 35-45).

Examiner appreciates applicants arguments that the formatting characters and that the information is formatted according to the data formats is not explicitly taught by Reber and has provided additional prior art in the form of Anderson to overcome this limitation.

In response to applicant's arguments that the Shupps reference is nonanalogous art, examiner respectfully disagrees and submits that Shupps is used to teach the detailed limitations of the dependent claims. It is favorable to combine Shupps with Reber and Anderson because Shupps is teaching the intricate details that pertain to the overall system as taught by Reber and Anderson.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-
2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM
Monday through Friday. If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-
2398**. The fax phone number for this Group is (703) 872-9306.
Communications via Internet e-mail regarding this application, other than those
under 35 U.S.C. 132 or which otherwise require a signature, may be used by the
applicant and should be addressed to [**lisa.caputo@uspto.gov**].
*All Internet e-mail communications will be made of record in the application file.
PTO employees do not engage in Internet communications where there exists a
possibility that sensitive information could be identified or exchanged unless the record
includes a properly signed express waiver of the confidentiality requirements of 35
U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published
in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG
89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LMC

March 4, 2005

DIANE I. LEE
PRIMARY EXAMINER